

House File 328 - Introduced

HOUSE FILE 328

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A BILL FOR

- 1 An Act relating to city attorneys and part-time county
- 2 attorneys and conflicts of interest.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 331.752A Part-time attorney —
2 conflicts of interest.

3 1. On a form created and provided by the judicial branch,
4 a part-time county attorney shall disclose all conflicts the
5 attorney has between interests or matters of the county and
6 those of the other clients of the attorney. The disclosure
7 shall be filed on an annual basis. Upon disclosure of a
8 conflict, the attorney shall withdraw from representation of
9 the county regarding the matter in which the conflict exists
10 unless written consent is received from the attorney's client
11 and the board of supervisors adopts a resolution describing the
12 conflict, generally, and giving consent to representation on
13 the matter.

14 2. A conflict exists when any of the following occurs:

15 a. The representation of the county will be directly adverse
16 to another client.

17 b. There is significant risk that the representation of one
18 or more clients will be materially limited by the attorney's
19 responsibilities to the county, any other client, a former
20 client, or a third person or by a personal interest of the
21 attorney.

22 3. For purposes of this section, "*personal interest of the*
23 *attorney*" includes service by the attorney on the board of an
24 organization or entity.

25 Sec. 2. NEW SECTION. 364.26 City attorney — conflicts of
26 interest.

27 1. On a form created and provided by the judicial branch, an
28 attorney representing a city shall disclose all conflicts the
29 attorney has between interests or matters of the city and those
30 of the other clients of the attorney. The disclosure shall
31 be filed on an annual basis. Upon disclosure of a conflict,
32 the attorney shall withdraw from representation of the city
33 regarding the matter in which the conflict exists unless
34 written consent is received from the attorney's client and
35 the city council adopts a resolution describing the conflict,

1 generally, and giving consent to representation on the matter.

2 2. A conflict exists when any of the following occurs:

3 a. The representation of the city will be directly adverse
4 to another client.

5 b. There is significant risk that the representation of one
6 or more clients will be materially limited by the attorney's
7 responsibilities to the city, any other client, a former
8 client, or a third person or by a personal interest of the
9 attorney.

10 3. For purposes of this section, "*personal interest of the*
11 *attorney*" includes service by the attorney on the board of an
12 organization or entity.

13 EXPLANATION

14 This bill relates to city attorneys and part-time county
15 attorneys and conflicts of interest.

16 The bill requires an attorney representing a city or a
17 part-time county attorney to disclose all conflicts the
18 attorney has between the interests or matters of the city
19 or county, as applicable, and those of other clients of the
20 attorney. The bill requires the disclosure on an annual basis
21 on forms created and provided by the judicial branch. The bill
22 requires a city attorney or a part-time county attorney with
23 a conflict of interest to withdraw from representation of the
24 city or county, as applicable, regarding the matter in which
25 the conflict exists unless written consent is received from
26 the attorney's client and the city council or county board of
27 supervisors, as applicable, adopts a resolution describing the
28 conflict and giving consent to representation on the matter.